

Highly Confidential - Attorneys' Eyes Only

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,)
 Plaintiff,)
 vs.) No. CV 10-03561 WHA
GOOGLE, INC.,)
 Defendant.)

-- HIGHLY CONFIDENTIAL, ATTORNEYS' EYES ONLY --

Videotaped Federal Rule 30(b)(6), Topic 7,
deposition of PATRICK BRADY, taken at the Law
Offices of King & Spalding LLP, 333 Twin Dolphin
Drive, Redwood Shores, California, commencing at
9:36 a.m., Thursday, July 21, 2011, before
Leslie Rockwood, RPR, CSR No. 3462.

PAGES 1 - 133

Page 1

1 THURSDAY, JULY 21, 2011; REDWOOD SHORES, CALIFORNIA

2 9:36 A.M.

3 ---oOo---

4 THE VIDEOGRAPHER: Good morning. We are on
5 the record, Ladies and Gentlemen, at 9:36 a.m. on 09:36:33
6 July 21st, 2011. This is the videotaped deposition of
7 Patrick Brady representing Google, Incorporated, pursuant
8 to Federal Rule of Procedure 30(b)(6), Topic 7.

9 My name is Benjamin Gerald, here with our
10 court reporter Leslie Rockwood. We are here from 09:37:01
11 Veritext National Deposition and Litigation Services at
12 the request of counsel for the plaintiff.

13 This deposition is being held at 333 Twin
14 Dolphin Drive in the City of Redwood Shores, California.
15 The caption of this case is Oracle America, Incorporated, 09:37:25
16 versus Google, Incorporated. Case Number is CV 10-03561
17 WHA.

18 Please note that audio and video recording
19 will take place unless all parties agree to go off the
20 record. Microphones are sensitive and may pick up 09:37:58
21 whispers, private conversations and cellular
22 interference.

23 At this time will counsel and all present
24 please identify themselves for the record.

25 MR. MUINO: Daniel Muino of Morrison & 09:38:08

Page 5

1 Foerster for the plaintiff Oracle America.

2 MR. NORTON: Fred Norton of Boies, Schiller &
3 Flexner for plaintiff Oracle America.

4 MR. KAMBER: Matthias Kamber of Keker & Van
5 Nest for Google, Inc. 09:38:22

6 MR. HWANG: Renny Hwang of Google.

7 THE VIDEOGRAPHER: Thank you.

8 Will the reporter please swear in the
9 witness.

10 THE REPORTER: Raise your right hand, please.

11 You do solemnly state that the evidence you
12 shall give in this matter shall be the truth, the whole
13 truth and nothing but the truth so help you God.

14 THE WITNESS: Yes.

15 THE REPORTER: Thank you.

16 THE VIDEOGRAPHER: Thank you.

17 Please proceed.

18 EXAMINATION

19 BY MR. MUINO:

20 Q. Good morning, Mr. Brady. 09:38:40

21 A. Good morning.

22 Q. Can you please state your full name for the
23 record.

24 A. Patrick Brady.

25 Q. And what is your home address? 09:38:46

Page 6

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24 A. Patrick Brady.

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Page 6

1 point there was tests written for those API's by a third
2 party. I couldn't say for sure if that was -- if those
3 were included in this version of CTS or if they're in the
4 now current version of CTS.

5 Q. BY MR. MUINO: Are you familiar with an API 12:05:04
6 package called java.security?

7 A. I've heard of that API package before, yes.

8 Q. Do you know if that API package is tested
9 under the CTS?

10 A. I do not. 12:05:16

11 MR. KAMBER: Objection to form.

12 Q. BY MR. MUINO: With respect to the last row
13 on this page, anyway, of this table, it says, "Dalvik VM
14 tests." And the description says, "The tests focus on
15 testing the Dalvik VM." 12:05:33

16 Do you see that?

17 A. I do.

18 Q. Do you know what those tests covered?

19 A. I don't know specifically. These are --
20 generally, these are also black box tests. So we -- my 12:05:45
21 understanding of these tests is that they send in Dalvik
22 executable bytecode both, you know, valid and invalid,
23 and make sure that whatever virtual machine is executing,
24 that DEX bytecode responds according to how we would
25 expect them to respond. 12:06:09

12:06:23

Page 91

1 THE WITNESS: I think -- you know, when we
2 say -- it's tough to say when we say "the Dalvik Virtual
3 Machine." So if -- what is required by these tests is
4 that you have a virtual machine. Or I suppose you could
5 design actual assembly machine code that would be able to 12:07:49
6 interpret DEX bytecode, Dalvik executive bytecode. I
7 don't think there is one implementation of the Dalvik
8 Virtual Machine. And I think you could have a different
9 virtual machine that was capable of running this DEX
10 bytecode. And I would assume that you could pass a CTS 12:08:10
11 here.

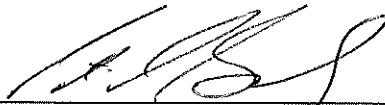
12 It's much the same way in that we have media
13 framework API's. And we have a default or upstream
14 implementation of a media framework called Stagefright.
15 But many of our partners swap out that version and put in 12:08:25
16 some commercial version or an internally-developed
17 version that passes CTS. That's kind of the point of a
18 CTS is to make sure that, you know, the inputs and
19 outputs are expected but that you can swap in different
20 components. 12:08:47

21 Q. BY MR. MUINO: Are you aware of any OEMs that
22 modified their Android devices to replace the Dalvik
23 Virtual Machine with another virtual machine and the
24 device passed the Dalvik Virtual Machine's tests of the
25 CTS? 12:09:02

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1 I declare under the penalty of perjury
2 under the laws of the State of California that the
3 foregoing is true and correct.

4 Executed on September 1st, 2011,
5 at Mountain View, CA.

6
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11 _____
12 SIGNATURE OF THE WITNESS
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Page 130

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1 STATE OF CALIFORNIA) ss:

2 COUNTY OF MARIN)

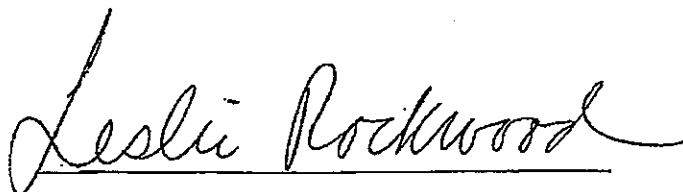
3
4 I, LESLIE ROCKWOOD, CSR No. 3462, do hereby
5 certify:

6 That the foregoing deposition testimony was
7 taken before me at the time and place therein set forth
8 and at which time the witness was administered the oath;

9 That testimony of the witness and all
10 objections made by counsel at the time of the examination
11 were recorded stenographically by me, and were thereafter
12 transcribed under my direction and supervision, and that
13 the foregoing pages contain a full, true and accurate
14 record of all proceedings and testimony to the best of my
15 skill and ability.

16 I further certify that I am neither counsel
17 for any party to said action, nor am I related to any
18 party to said action, nor am I in any way interested in
19 the outcome thereof.

20 IN WITNESS WHEREOF, I have subscribed my name
21 this 26th day of July, 2011.

22
23
24 

25 LESLIE ROCKWOOD, CSR. NO. 3462

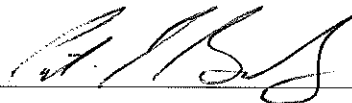
Page 131

ERRATA SHEET
Patrick Brady - TOPIC 7
Deposition date: July 21, 2011

I, PATRICK BRADY, hereby certify that I have carefully read the foregoing transcript, and that the same is a true and correct transcription of my deposition, except:

Page	Line	Change	Reason
46	14	"adjustment time compiler" should read "AOT compiler"	Transcription error
47	23	"duel core processor" should read "dual-core processor"	Spelling
65	14	"skew" should read "SKU"	Spelling
72	13	"Goggle" should be "Google"	Transcription error
75	6	"Java in the name set" should be "java in the namespace"	Misheard
85	15	"Android" should be "droid"	Misheard
91	11	"information" should be "implementation"	Misheard
93	10	"understand" should be "understanding"	Misheard
99	8	"dexopt implementation" should be "DEX optimixation"	Misheard
120	21	"Is it – the high quality" should be "is it high quality"	Misheard
120	25	"better than not up-stirring" should be "better to not upstream"	Misheard

Witness Signature: _____



Date: Sept. 1, 2011